

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF WISCONSIN**

DANNY COLEMAN,
Plaintiff,

v.

Case No. 07C0013

KENOSHA STEEL CASTING, INC.
and RICH FLAHIVE,
Defendants.

ORDER

On January 5, 2007, plaintiff filed this employment discrimination action. On June 22, 2007, I issued a scheduling order for the case providing for a discovery deadline of December 14, 2007 and a dispositive motion deadline of January 18, 2008. After the dispositive motion deadline passed without either party filing a dispositive motion or asking for a trial date, I ordered the parties to report on the status of the case by March 13, 2008. Defense counsel filed a report stating that plaintiff had failed to respond to defendants' discovery requests, even after plaintiff was warned that defendants would file a motion to compel discovery. Along with their report, defendants filed a motion to compel discovery. To date, plaintiff has failed to comply with my order to report on the status of this action and has failed to respond to defendants' motion to compel discovery.

Given plaintiff's failure to engage in discovery, seek a trial date and/or comply with my order regarding a status report, I will dismiss this action on my own motion for failure to prosecute. Fed. R. Civ. P 41(b); Civ. L.R. 41.3 (E.D. Wis). Pursuant to Civil Local Rule 41.3, plaintiff may petition for reinstatement of the action within twenty (20) days.

For the reasons stated,

IT IS ORDERED that this action is **DISMISSED WITH PREJUDICE**.

IT IS FURTHER ORDERED that defendants' pending motion to compel discovery is **DENIED AS MOOT**.

Dated at Milwaukee, Wisconsin, this 1 day of April, 2008.

/s _____
LYNN ADELMAN
District Judge